PROVISIONAL
For participants only

CERD/C/SR.944
11 August 1992

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-first session

PROVISIONAL SUMMARY RECORD OF THE 944th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 6 August 1992, at 10 a.m.

Chairman: Mr. VALENCIA RODRIGUEZ

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GE.92-16932/4760B

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Tenth and eleventh periodic reports of Ghana (CERD/C/197/Add.7) (continued)

At the invitation of the Chairman, Mr. Amoo-Gottfried (Ghana) took a place at the Committee table.

Mr. AMOO-GOTTFRIED (Ghana), replying to questions asked during the discussion of his country's periodic reports, said that one issue raised by the country rapporteur had been the fate of legislation relating to the Convention in the light of the new Constitution about to enter into force. In fact, the laws concerned would remain on the statute book in so far as they were not incompatible with the provisions of the new Constitution, but where necessary the legislation against discrimination would be strengthened. Under the new Constitution, the judiciary would remain unchanged, consisting of the superior courts of judicature and such lower courts or tribunals as Parliament might establish.

With regard to the request for information on the infant mortality rate in Ghana, the rate had dropped significantly during the last decade, but he could not unfortunately provide any statistics immediately.

With regard to discrimination against women, it had been the policy of successive Governments to promote gender equality in Ghana, and women were guaranteed equal rights to training and promotion. His country was one of the few where women enjoyed the same opportunities as their male counterparts; women had served as members of Parliament and as Cabinet Ministers, and had distinguished themselves as diplomats, accountants, lawyers, economists and in other professions.

He confirmed the newspaper report referred to by the country rapporteur which stated that there was currently only one newspaper published in a local language. There were, however, plans to publish it in three other local languages.

The country rapporteur had also referred to recent disturbances in the northern part of Ghana. However, what had been described by the press as an ethnic conflict had in fact been a conflict between two groups of people over land rights. The latest disturbance had also involved a dispute over the

right to appoint a chief in the area. When such disturbances occurred, the Government took steps to maintain law and order and to mediate between the rival groups.

In connection with article 4, paragraph 16, the country rapporteur had drawn attention to the Prohibited Organizations (Bawku District) Law of 1984 and had inquired whether that Law referred specifically to that district or was applicable throughout the country. In fact, the Law had been enacted as a result of disturbances in the District caused by ethnic animosities, but it had national scope, since there was a possibility of such incidents occurring in other areas in the country. Mr. Yutzis had asked how such a law could assist in the realization of national integration. The answer was that Ghana was not a country with pervasive ethnic differentiation or difficulties. Although its people took pride in their national unity, experience had shown that relatively small groups with extreme ethnic views could create situations resulting in unnecessary conflict, and it was for that reason that the Law had been enacted. Ghana was proud of the diversity of its people, and the cultural traditions of the various groups had been maintained and supported. The prohibition therefore related to groupings with negative and discriminatory tendencies, and was therefore in line with the objectives of the Convention.

Referring to Mr. Yutzis' question about the existence of a right to work, he said that chapter 5, paragraph 24, of the new Constitution stated that "every person has the right to work under satisfactory, safe and healthy conditions and shall receive equal pay for equal work without distinction of any kind".

Regarding Mr. Wolfrum's question on the demographic composition of Ghana and its linguistic groups, he said that the country's statistical regulations did not permit the compilation of such data, although there was a breakdown of population by regions and towns. However, such data could not be relied upon for the purpose of determining ethnicity. That said, he had noted the comments of Mr. Banton on the usefulness of sociological research in that area.

In connection with Mr. Wolfrum's inquiry concerning the role of international treaties in relation to the Constitution, he said that the Constitution, which was the supreme law in Ghana, enjoined the Government in its dealings with other nations to promote and protect the interests of the State; to seek the establishment of a just and equitable international order;

to promote respect for international law, treaty obligations and the settlement of international disputes by peaceful means; and to adhere to the principles enshrined in such multilateral instruments as the Charter of the United Nations and the Charter of the Organization of African Unity.

Since the Convention had been incorporated into Ghanaian law by an Act of Parliament in 1966, it remained valid under the new Constitution.

Mr. Wolfrum had also asked about the relationship between the district and the national political and legal framework. Ghana was a centralized State with 10 regions and 110 districts which, although not comprising a federation, were decentralized to a certain degree. The number of districts would be increased under the new arrangements and they would assume certain functions in order to achieve the country's objectives of participatory democracy. He would recommend to his Government that copies of the new Constitution and laws were made available as accompanying material to his country's next report.

In reply to Mr. de Gouttes, he said that it would be possible under the new Constitution to invoke a provision of the Convention in the courts, but where that provision was not self-executing, a specific enactment would be required.

Mr. de Gouttes had also asked whether the prohibition of symbols and emblems denoting ethnic, regional, religious or other sectional connotations was not unduly rigorous. It should be pointed out that it was the wish of neither the Government nor the people of Ghana to eliminate any ethnic differences in society by decree. However, if events in Yugoslavia, Liberia, Somalia and other countries provided a lesson, it was that individuals could take political advantage of ethnic particularities to fan the flames of conflicts that might destroy a nation and a people. Cultural associations, development societies and friendship groups based on ethnicity were not prohibited but indeed encouraged.

In conclusion, he said that the suggestions made by Mr. Lamptey, himself a Ghanaian, would be duly brought to the attention of the Government.

Mr. SONG Shuhua said it was evident from the reports that the Ghanaian Government attached great importance to fostering its people's culture and traditions in changing social conditions. He asked what proportion of Ghana's large population was fully conversant with English, and more specifically whether interpretation was provided in the courts into and out of other languages.

Mr. DIACONU said he did not understand why the Ghanaian Government appeared so anxious to discourage political parties with an ethnic or religious basis. In Europe, for example, Christian Democratic parties were not uncommon, and in his own country, Romania, in particular, ethnically-based parties were an accepted fact. To prohibit such parties might itself create tensions.

Mr. SHAHI asked whether the adherents of the various religions practised in Ghana were distributed throughout the country or concentrated in specific areas.

Mr. AMOO-GOTTFRIED (Ghana) said in reply to Mr. Song Shuhua that less than 50 per cent of the population could be said to speak English well, and that, while the official language of court proceedings was English, interpretation was provided where necessary.

He appreciated Mr. Diaconu's comment, but pointed out that Ghana was concerned to preserve a unified society in the conditions of ethnic diversity created by boundaries inherited from the colonial Powers, which often divided peoples of the same ethnic background.

In answer to Mr. Shahi's question, he said that, although Christians and Muslims were to be found throughout the country, the latter predominated in its northern part.

Mr. LAMPTEY said that in Ghana there was no one dominant ethnic group, and ethnic diversity was a characteristic feature of the Ghanaian Government, the armed forces and society at large. For that reason, there was no need for ethnic quotas in Government. It should be pointed out that the new Constitution, adopted by referendum, had been drafted by people from every ethnic background.

Mr. Amoo-Gottfried (Ghana) withdrew.

Third and fourth periodic reports of Maldives (CERD/C/203/Add.1)

The CHAIRMAN said that, unfortunately, no representative from Maldives was able to be present for the Committee's consideration of the report.

Mrs. SADIQ ALI, country rapporteur, said it was to be regretted that the report had again not been drafted in accordance with the Committee's guidelines, although attention had been drawn to the matter during the consideration of the previous reports in 1989. In particular, the then country rapporteur had recommended that the Committee should draw the

attention of the Government of Maldives to the information expected on articles 2, 4, 5, 6 and 7 of the Convention, as well as to the need to attach the text of laws where appropriate.

The report reiterated that Maldives was not obliged to give effect to the Convention because it had a homogeneous population and that no specific legislation was required to implement the provisions of the Convention. It was a misconception that, because people were of the same ethnic origin, there was no need to give effect to the Convention. All States parties to the Convention were expected in their periodic reports to explain what measures had been taken concerning its implementation, an obligation set forth in article 9 of the Convention.

It should also be pointed out that the provisions of article 4 regarding the introduction of specific legislation making racial discrimination punishable by law were not merely intended as guidance for States parties where racial discrimination existed, but were also designed to prevent any recrudescence of the phenomenon.

Maldives had experienced an abortive coup inspired by mercenaries from a neighbouring country. It had foreign experts working in its territory, and tourists were likely to increase. Those were additional reasons why it should implement the Convention in full.

It was possible that, in the absence of a representative of Maldives during the consideration of the last periodic report, the Government might not have been apprised of the comments made by the Committee. If the Government was still encountering difficulties in the preparation of its reports, it might request the assistance of the Centre for Human Rights through its advisory services.

The reporting process assumed that there was a need for constructive dialogue between the State concerned, on the one hand, and the expert body, on the other, and to that end, it was essential for a representative of the State party to present its report to the Committee. The Committee therefore hoped that Maldives, although a small country, would respond to that request.

Mr. ABOUL-NASR said the fact that Maldives had no permanent mission in Geneva was another indication that it would be expedient for sessions of the Committee to be held in New York. The Secretariat should contact the Government of Maldives to recommend that it avail itself of the advisory services of the Centre for Human Rights in compiling future reports.

Mr. YUTZIS said that a country's size and population were immaterial from the standpoint of fulfilment of its obligations under international instruments. It was similarly of no consequence whether or not a State had a permanent mission in Geneva. The basic issue that concerned the Committee was the political will of a State to comply with its obligations, financial and otherwise. When communication was established with Maldives, it was important to stress the commitments it had assumed in signing the Convention.

Mr. de GOUTTES supported the views expressed by the country rapporteur. He welcomed the fact that Maldives had submitted a report, but regretted that it did not conform to the Committee's guidelines. The report stated that there was "no form of discrimination" in Maldives and that therefore "no specific legislation" had been enacted to implement the provisions of the Convention. The Committee's conclusions should emphasize that, under article 4 of the Convention, States parties had an obligation to enact legislation to condemn and prevent discrimination.

Mr. ABOUL-NASR disagreed with Mr. Yutzis that it was of little significance whether or not a country had a permanent mission in Geneva. The Committee's aim was to use its experience to help countries, and to promote the discussion and solution of their problems.

Mr. YUTZIS said that some small countries applied for assistance from the advisory services of the Centre for Human Rights in drafting their reports. A recommendation that Maldives should avail itself of such assistance should be included in the Committee's conclusions.

Fifth periodic report of Colombia (CERD/C/191/Add.1)

At the invitation of the Chairman, Mr. Eduardo, Mrs. Galvis and Mr. Mestre Sarmiento (Colombia) took places at the Committee table.

Mr. MESTRE SARMIENTO (Colombia) said that, as stated in the introduction to the report, the election of the Constituent Assembly had united the various forces in Colombian society and paved the way for democratic reconciliation. The safeguarding of human rights and the protection of minorities were uppermost in the minds of decision makers. Colombia had many minorities, mainly due to the flow of immigrants into the country over a long period, which had resulted in the creation of a multiracial society. The report stressed the importance attached to defending the cultural inheritance of all indigenous communities, and to their contribution to the national culture. It also described the innovative

efforts made by the Government to protect the Amazon Basin, which it believed should be viewed as part of the common heritage of mankind, and the environment. Since the submission of the report, Decree No. 436 of 10 March 1992 had established the National Indigenous Policy Council, and Decree No. 716 of 28 April 1992, the National Committee on Indigenous Rights to coordinate the protection and promotion of the human rights of indigenous communities.

Mrs. GALVIS (Colombia) said that the rights of minorities in Colombia were protected by a number of articles in the Constitution. Article 5, for example, recognized, without discrimination, the primacy of the inalienable rights of the person, and recognized that the family, as the basic institution of society, was entitled to protection. Article 7 recognized and protected the ethnic and cultural diversity of the Colombian nation. Under article 8, the State and the individual alike had an obligation to protect the country's cultural and natural heritage. Article 10 provided that, while Spanish was the country's official language, the languages and dialects of the various ethnic groups also had official status within their respective territories. Teaching in communities which spoke such languages and dialects was required to be bilingual.

Article 43, which provided that men and women should enjoy equal rights and opportunities, was applicable also to indigenous minorities. Under article 286, the indigenous territories were described as autonomous entities on the same footing as other territorial entities of the country. They enjoyed the right to manage their own interests and to administer their own resources, and were entitled to self-government by their chosen authorities. Finally, article 246 provided that such indigenous authorities could exercise legal jurisdiction within the limits of their territories, provided that such jurisdiction did not conflict with the Constitution or the laws of the Republic. Legislation was to be adopted to ensure that such jurisdiction was brought into line with the national judicial system.

Mr. EDUARDO (Colombia) said that in pursuance of the constitutional provisions just referred to, a National Indigenous Policy Council had been set up, consisting of three senators and four representatives elected by the indigenous communities. It helped to promote the interests of those communities, notably by defining priority areas for social welfare assistance, as provided for under article 357 of the Constitution.

The Council was currently studying draft legislation on the indigenous communities, which was to be submitted to Congress. That legislation provided for a National Committee on Indigenous Rights, a standing body whose function would be to coordinate activities for the prevention of any violations of the rights of indigenous peoples, whether enshrined in the Constitution or in covenants and treaties signed and ratified by Colombia.

The Government was currently monitoring the environmental impact of construction and prospecting operations in various parts of the country, including indigenous areas. Two such projects, one in Chocó and another at the airport of Punto Mayo, had been halted because of the risk of damage to the environment. The National Committee for Indigenous Linguistics, referred to in paragraph 45 of the report, had assisted in the training of 20 language experts, 15 of whom were indigenous. Efforts were being made to adapt school curricula to the needs of indigenous communities, and as many as 30 regional projects had been prepared. Under the "Alvaro Ulcué" fellowship fund, referred to in paragraph 47, 120 indigenous students had received grants for higher education. In general, the Government was constantly endeavouring to make authorities at all levels more aware of the rights of indigenous peoples.

He assured the Committee that Colombia had the political will to apply policies which would implement the provisions of the Convention, so that those provisions would become part of the everyday life of the people. It believed that, despite the difficulties it was facing, it had succeeded in creating a society in which minorities and indigenous peoples played their full part.

Mr. WOLFRUM, country rapporteur, said he felt some hesitation, in the light of Colombia's internal problems, in judging its record in complying with the Convention by the same yardstick as that applied to other States, such as, for example, Greece or Belgium. He congratulated the Government of Colombia on the regularity with which it had submitted its reports, and on the information they contained.

While the report (CERD/C/191/Add.1) was basically drafted in accordance with the Committee's guidelines, it did not provide details on the demographic composition of the population. While data was given concerning indigenous communities, no information was provided about other ethnic minority groups, and the Committee would be glad to be told more about such groups, and the extent to which they were integrated into Colombian society. The report was to some degree supplemented by Colombia's third periodic report on

implementation of the International Covenant on Civil and Political Rights, as well as by the report by the Special Rapporteur on religious intolerance. He recommended that in preparing its next report, Colombia should make use of the newly introduced system of including a "core" text relating to reports under other human rights instruments.

On the subject of the newly elected Constituent Assembly, it was stated in paragraph 7 of the report that the two representatives of the indigenous peoples in the Assembly had "obtained the support of the people in the elections". Did that phrase imply that members of indigenous communities could not be elected without the support of other, non-indigenous citizens?

The report further stated in paragraph 18 that the Convention could now be invoked before the national authorities. He would be interested to know whether there had been any actual cases of the Convention being invoked, and whether there were any court rulings referring to it. The representative of Ghana had recently stated that when his country's new Constitution had been drafted, extensive reference had been made to the Convention, as well as to other human rights instruments; had such reference been made when Colombia's new Constitution had been prepared? Were the international obligations derived from the Convention binding in Colombian law, or could they be overruled by subsequent legislation? At the time the previous report had been submitted, the representative of Colombia had stated that his Government intended to make the declaration referred to in article 14 of the Convention: had it in fact yet done so?

While both the written report and the oral statements had referred frequently to the legal system and to the Government's plans and policies, very few concrete examples had been given of how that system and those policies worked in practice. He regarded that as a major deficiency, particularly in the light of the internal difficulties currently faced by Colombia. Paragraph 20 of the report stated that the Government had reached an agreement on demobilization and disarmament with the Quintin Lame Armed Indigenous Movement, which was the fourth such movement to have decided to "return to civilian life". Could the representatives of Colombia explain what were the objectives of that movement, who were its members, and why it had capitulated: had its demands been met, or had it simply been overpowered? Did any other similar militant groups still exist, and what was the prospect of their returning to civilian life and democracy?

He would like to reiterate the question raised at the time of consideration of the fourth periodic report, namely, what the outcome had been of the commission of inquiry set up to investigate three incidents in the Chocó region in 1987 concerning mining rights. That question was of particular interest to the Committee, since the incidents had led to the killing of three Arhuaco leaders. The Government's silence would seem to imply that it had no great interest in shedding light on the matter.

Paragraph 23 of the report indicated that a number of measures had been taken to recognize the rights of the indigenous peoples and to assist them with specific policies, but again no details were given: more specific information would have been appreciated. Paragraph 26 referred to the setting up of "indigenous reservations": that term had already given rise to some unease among members of the Committee, and he would like to know more about the status of such reservations, and the system of land ownership operating in them. As he understood it, the Colombian representative had said that, in his Government's view, the Amazon region should be regarded as part of the common heritage of mankind. That would be a revolutionary approach in terms of international law, and he wondered whether it was shared by other countries in the Amazon region. It was a view which, incidentally, he himself wholeheartedly endorsed.

Paragraph 32 stated that indigenous communities were guaranteed the right to use renewable natural resources on their lands: who then had the right to exploit non-renewable resources, especially hydrocarbons? On the assumption that non-renewable resources were the property of the State, which could grant concessions for exploitation, would the indigenous populations benefit when such concessions were granted in areas where they were owners of the land? Were such lands owned by individuals or by tribes, and in the latter case, how had the tribes been organized to enable them to express their corporate will?

Paragraph 32 of the report also referred to the existence of indigenous inspectors of natural resources: were those inspectors appointed by the indigenous communities or by the State, what were their functions, and what were they intended to achieve? He had some misgivings on the subject, since the representative himself had stated that some projects in the Amazon region had been halted because they were environmentally damaging. Logging should

properly come under an indigenous authority, since timber was a renewable resource. There had been numerous reports at the Rio Conference of environmental contamination and acts of violence in the region, and he would like to know how far the Government had succeeded in putting a stop to them, and whether any compensation had been paid to the Indian people.

He would have appreciated more information about the efforts being made to improve the economic situation of indigenous peoples: for example, were there any statistics on their income and unemployment rate as compared to the rest of the population? What was the chief source of income of such communities? The efforts being made to improve the education of indigenous peoples, referred to in paragraphs 43 to 47, were laudable, if limited, and clearly complied with the requirements of article 1, paragraph 4, and article 2, paragraph 2, of the Convention.

The policy of associating protection of the indigenous population with conservation of the environment (paragraphs 48 to 50) was most promising, although it would be interesting to know more about the "areas for special management", and how such areas differed from reservations. Colombia's report to the Human Rights Committee stated that over the last 4 years, 72 reservations had been set up covering an area of 13 million hectares, with a resident population of 27,000. He would appreciate more information on the status of those reservations, and how the system operated.

Paragraphs 50 to 85 of the report outlined the policy pursued by the Government to improve the legal, economic and social situation of the indigenous communities, and that information had been supplemented orally. Those policies were commendable, but similar projects had been referred to in previous reports and further information would therefore be welcome on progress since 1988.

Specifically, paragraph 50 raised several questions. With reference to subparagraphs (f) and (g) of the section on land and natural resources, did the Government review the title to reservations set up in the colonial period? In subparagraph (a) of the section on State administration, what was meant by "coordinating bodies"? In subparagraph (c) of the section on the land and natural resources programme, what was meant by the statement that some communities had "lost their land"? To whom and why had it been lost,

and what action had the Government taken? What was the infant mortality rate and what was the life expectancy of members of the indigenous communities compared with that of the rest of the population?

With reference to paragraph 63, it was not clear whether the education of indigenous pupils was bilingual, although information provided orally indicated that it was. Colombia's report to the Human Rights Committee was more specific in that regard, stating that Decrees No. 88 of 1976 and 1142 of 1978 recognized ethnic pluralism and established the right of indigenous communities to a bilingual and bicultural education. A 1984 resolution called for curricula to be based on the principles of ethnic development and ethnic education and proposed that indigenous communities should determine the content of their own curricula. Had those Decrees and that resolution been properly implemented, and did bilingualism apply only to indigenous communities or to the rest of the population as well?

On the subject of the implementation of article 3 of the Convention, the Government of Colombia reiterated that it had no political, diplomatic, military, cultural or sporting links with the Government of South Africa, a statement which had never been questioned in the Committee.

The brief account of Colombia's implementation of article 4 of the Convention (paragraphs 92 to 95) could not be deemed to reflect full implementation of article 4. He reiterated the Committee's constant concern and plea that legislation should be enacted in conformity with that article.

With reference to article 5 of the Convention, the report contained information on the implementation of the right to equal treatment before the tribunals and the right to personal safety and to take part in elections, but did not cover all aspects of article 5. He drew particular attention to the right to personal safety. He did not wish to overemphasize the point because, as the representative of Colombia had said, the country was in a state of transition and there clearly was the political will to deal with the serious difficulties facing it and indeed to enact legislation. He would, however, have appreciated more information on practical measures taken or planned, for instance, against military or paramilitary groups. In general, that section of the report was too vague and he reiterated the request made during the discussion of Colombia's initial report that more information should be

provided on the enjoyment of political and cultural rights by the indigenous peoples and other minority ethnic groups, with comparative figures on education, per capita income, housing, medical care and representation. He would like to know how the Constituent Assembly was elected and what means were available to indigenous communities to secure representation.

The measures to implement article 6 that were reported in paragraphs 114 to 123 were impressive, particularly the availability of a telephone line enabling individuals to report, free of charge, any threat to or restriction of the right to life or freedom of a Colombian citizen. He wished to know to what extent citizens availed themselves of such facilities.

Mr. BANTON said that invasions by colonists of the land of the indigenous peoples had been reported from many parts. Would it be unfair to conclude that the Government did not have the power to prevent them? In regions where the central Government was weak, was it not particularly important to secure lines of communication with the representatives of the local people? Were the security forces instructed in the importance of working with organizations which sought to protect human rights and historic land and water rights? By organizations he meant any kind of organization, whether formally registered or not, including traditional village organizations.

The fifth report described policies designed in the capital, but the impression it conveyed conflicted with accounts of the present situation in many rural areas. For example, the Guaviare Indians in eastern Colombia were now distinguished less by their ethnicity than by their position as a depressed class of poor agricultural workers in a society dominated by whites. With the spread of the market economy they had been drawn into economic relations without understanding the rules that were meant to govern them or how they could best protect themselves. Their traditional knowledge, institutions and experience were now no longer valid or meaningful. The Government's report did not acknowledge that reality.

Reports on the situation on the Pacific coast indicated that the rain forest was being destroyed by lumbering and mining companies, with, apparently, little restraint from a Government that had made major concessions in the development plan, PLAIDECOP, in order to attract outside investment.

Land rights were being infringed, while the changes brought disease, contamination and violence to the Indian and black communities alike. Colombia should report on the actual payment of compensation to the local people for the damage to their environment, not just about laws which might or might not be observed in practice.

The Human Rights Committee had asked for further information about measures to protect rights under article 27 of the International Covenant on Civil and Political Rights, and it would be useful if Colombia's replies could be reproduced in its next report to the Committee on the Elimination of Racial Discrimination. In addition, he wished to know whether the indigenous peoples were required to register births and deaths. Where figures were not available, estimates from authoritative sources would be welcome. Figures on elections, for example, would be useful.

With reference to paragraphs 121 to 123 of the report, it would be helpful to have an estimate of the effectiveness of those measures in different regions. Details of incidents in which the perpetrators of violence towards indigenous people had actually been convicted, and the punishments imposed, would be welcome, as would details of action actually taken against lumbering and mining companies which had failed to comply with the official conditions for their operations. Like Mr. Wolfrum, he understood the terrible problems with which the Government had to contend, and candid appreciations of the actual effectiveness of the measures pursued would therefore be respected.

Mr. de GOUTTES welcomed the additional information provided orally, especially on the new constitutional Charter which had entered into force in July 1992. As Mr. Wolfrum had said, Colombia's internal problems made it very difficult to consider the situation in Colombia within the sole perspective of the Convention. He wished to draw attention to two particular shortcomings in the report. One was the failure to pass legislation to implement article 4 of the Convention. The Committee had often observed similar shortcomings in the reports of other States parties and had always stressed the importance of legal anti-discrimination provisions if only for preventive purposes. The legal provisions referred to in paragraph 105 of the report in connection with article 5 of the Convention were not specifically relevant to racial discrimination.

The report was informative but on the whole too legalistic and not sufficiently specific. Practical information was required on human rights violations of all kinds, not just against indigenous peoples but against any other underprivileged sectors of the population, and concerning acts of violence perpetrated, for instance, by military or paramilitary groups. Abductions of children by death squads, violence against rural dwellers in guerrilla areas and other violations had been reported. He drew attention to two highly informative reports, the most recent report of Amnesty International, and a report produced by the Attorney-General of Colombia.

Mr. DIACONU said that the difficulties experienced by the Colombian Government inevitably affected the measures it had taken or would take and the results it could expect. The report was to be commended for its comprehensive coverage of implementation of the Convention in regard to the rights of indigenous peoples. It failed, however, to refer to other parts of the country and he would appreciate further information on the origin of the population in those areas.

He had been surprised to find no reference to any legal instruments specifically prohibiting discrimination on grounds of race, ethnic origin, etc. Paragraph 18 of the report stated that the provisions of the Convention "might" be invoked before the national authorities which in turn "might" enforce it directly, which equally implied that it or they might not. There was no way of ensuring the implementation of the Convention if there were no legally binding stipulation to that effect.

He had doubts about the accuracy of the statement in paragraph 92 that violations of the human rights of any individual were punishable offences under Colombian legislation, since it was improbable that all violations were punishable offences in any country. He agreed with previous speakers that the explanations given about the implementation of article 4 did not suffice, and hoped that the next report would provide more specific information.

Mr. FERRERO COSTA said it was clear that, despite its many problems, the Government of Colombia had the political will to implement the Convention. It was to be commended for submitting its periodic reports on time and for its willingness to enter into a dialogue with the Committee. It was true that the report now before the Committee focused on the indigenous

peoples to the exclusion of other groups, but a commendable effort had been made to answer the questions raised during the consideration of its previous report.

He agreed that the complex internal situation of Colombia made it difficult to examine Colombia's implemention of the Convention in isolation. The two major problems of terrorism and subversion and the fight against drug trafficking were also issues of concern to other human rights treaty monitoring bodies. Referring to the records of the previous Committee session at which Colombia's reports, and specifically its internal problems, had been discussed, he recalled the Committee's commendation of the Colombian delegation's frank acknowledgement of its difficulties and shortcomings. He endorsed Mr. Wolfrum's proposal that Colombia should prepare a core document providing general information of interest to all human rights treaty monitoring bodies.

It was clear that the Colombian Government still needed to take further steps to implement the Convention fully. For example, Colombia's internal difficulties should not prevent it from adopting specific legislation with regard to article 4.

With regard to access to the judiciary by the indigenous population, the Government appeared to be aware of the difficulties of access by indigenous peoples.

The comment by Mr. Wolfrum on the representative of Colombia's statement that his Government regarded the Amazon Basin as part of the common heritage of mankind called for some clarification. He was sure that there had been no intention of suggesting that the Amazon Basin might become an area under international jurisdiction, and there was certainly no joint or individual proposal to that effect. The statement was merely one of goodwill emphasizing the importance of the Amazon Basin to humanity and the world at large from an environmental point of view.

Mr. SHAHI referred to Colombia's policy of granting land to indigenous communities, as reported in paragraphs 28 and 50 of the report, and hoped that the next report would specify the exact number of hectares granted to indigenous communities which had no land or insufficient land. He would also welcome further information on the black population and its full

enjoyment of civil rights. Referring to Mr. Banton's statement, he wished to know what was the extent of invasions by colonists, such as miners or developers, of the land of indigenous peoples and what action the Government was taking to stop them. If those reports were true, the indigenous population was not being protected. In the reservations set up, could the indigenous peoples hold land individually or only on the basis of communal ownership?

Finally, with regard to the comprehensive, complex machinery set up to implement article 6 of the Convention, he wished to know how many cases had been brought to those judicial authorities and settled by them.

The meeting rose at 1.05 p.m.